



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

PF

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/032,861 | 12/27/2001 | Michio Fukuoka | MAT-8219US | 1804 |
| 7590 | 11/25/2003 | | EXAMINER | |
| RATNER AND PRESTIA Suite 301 One Westlakes, Berwyn P.O. Box 980 Valley Forge, PA 19482-0980 | | | VU, BAO Q | |
| | | ART UNIT | PAPER NUMBER | 2838 |
| DATE MAILED: 11/25/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|-----------------------|---|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/032,861 | FUKUOKA ET AL | |
| | Examiner Bao Q. Vu | Art Unit 2838 | |
| <i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i> | | | |
| Period for Reply | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. | | | |
| <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | |
| Status | | | |
| <p>1)<input type="checkbox"/> Responsive to communication(s) filed on _____. 2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final. 3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p> | | | |
| Disposition of Claims | | | |
| <p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-28</u> is/are pending in the application. 4a) Of the above claim(s) _____ is/are withdrawn from consideration. 5)<input type="checkbox"/> Claim(s) _____ is/are allowed. 6)<input checked="" type="checkbox"/> Claim(s) <u>1-28</u> is/are rejected. 7)<input type="checkbox"/> Claim(s) _____ is/are objected to. 8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p> | | | |
| Application Papers | | | |
| <p>9)<input type="checkbox"/> The specification is objected to by the Examiner. 10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p> | | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | | |
| <p>12)<input checked="" type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)<input checked="" type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of: 1.<input checked="" type="checkbox"/> Certified copies of the priority documents have been received. 2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> | | | |
| <p>* See the attached detailed Office action for a list of the certified copies not received.</p> | | | |
| <p>13)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> | | | |
| <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.</p> | | | |
| Attachment(s) | | | |
| <p>1)<input type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____</p> | | <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____. 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: _____</p> | |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "11" and "13" have both been used to designate substrate/ narrow portion (figure 1). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "16,15" and "11b, 11c" have both been used to designate terminals/ends figure 1 and figure 4(a). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. These are just a few of the mistakes that are evident in the drawings. Please carefully review the drawings and specifications so that they correspond to each and the **drawings must be consistent** throughout the application (i.e. have the same number to designate one element, throughout the figures).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. The claim 1 is narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly

and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

6. Claims 1-23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (See above paragraph)
7. Claims 24-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specification does not discuss what a "fusing portion" is. Please point out specific sections of the specification and drawings that clarifies exactly what is meant by "fusing portion does not oppose to the circuit."

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6, 9, 10, 14-16, 18-28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by APA (Applicant's Prior Art -figure 2 and the corresponding pages in the specification) or (JPO 2001023502 A).

The claims as best understood, recite a substrate (11), a conductive layer (12), a narrow portion (13), a terminal (16,15), substrate 1-30% pores (inherent), a polygonal pillar/ square pillar (shown), groove formed on narrow portion (shown).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 7, 8, 11-13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA (Applicant's Prior Art -figure 2 and the corresponding pages in the specification) or (JPO 2001023502 A).

APA (Applicant's Prior Art -figure 2 and the corresponding pages in the specification) or (JPO 2001023502 A) discloses the claimed invention except for the range/dimensions of the circuit protector. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the range/dimensions of the circuit protector, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Vu whose telephone number is (703) 308-2318. The examiner can normally be reached on Monday-Fridays, 8:00AM- 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael S. Sherry can be reached on (703) 308-1680. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Bao Q. Vu
Primary Examiner
Art Unit 2838

November 24, 2003